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would tend to obstruct and interfere with the ordinary uses of a street and highway and impose an additional servitude upon the lands of abutting owners.

TELEGRAPH.

Telegraph Companies—Failure to Deliver—Notice of Special Circumstances—Measure of Damages.—Western Union Tel. Co. v. Carver, 39 S. W. Rep. 1021 (Texas). Where a telegram directs the person addressed to purchase cattle at a specific price per head and to "get all you can," it is sufficient to put the telegraph company on notice as to the incidental facts of the transaction and to render it liable to the sender for loss resulting from non-delivery; and where there was a subsequent permanent advance in the price of the cattle, the measure of damages is the difference between the price named in the message and the price at which they could have been bought at the time when it was learned of the non-delivery of the telegram.

Telegrams—Insufficient Address.—Western Union Tel. Co. v. Birchfield, 39 S. W. Rep. 1002 (Texas). It is no excuse for negligence in delivering a telegram that it had no specific address, but was directed "care some hotel," since, in the absence of any address, it would have been the duty of the telegraph company to ascertain if the party was at any hotel in that city.

RIGHTS OF CREDITORS.

Power to Dispose of Property by Will—Effect of Execution—Rights of Creditors of Testator.—Freeman's Adm'r et al. v. Butters et al., 26 S. E. Rep. 845 (Va.). Where the personal property of a widow is not sufficient to satisfy her debts, and she has willed to volunteers, during her widowhood, property left to her by her husband with absolute power of disposal by will, her creditors may levy on said property in satisfaction of their claims.

Partnership—Rights as to Third Persons—Payment of Individual Debts.—In re Lafferty's Estate, appeal of Linde, 37 Atl. Rep. 113 (Penn.). Where an executor wrongfully uses funds of an estate and repays them with money belonging to a firm of which he is a member, the estate is not liable to the firm when it was unaware that it was partnership money.

PROCEDURE.

Appeal—Abatement.—Nickerson v. Nickerson, 48 Pac. Rep. 423 (Ore.). The death of a husband, who has appealed from a de-

cree for divorce whereby his wife became entitled to one-third of his property, does not abate the appeal. It survives to his heirs, and they may prosecute the cause in order to determine whether the divorce was rightfully granted and to settle conflicting property rights between them and the appellee.

Cities—Improvements in Streets—Discrimination.—*Larned v. City of Syracuse et al.*, 44 N. Y. Sup. 857. Where a petition for the pavement of a street prayed that the materials be purchased from a certain firm and the city council passed a resolution granting the petition the entire proceedings are void as preventing free competition.

Action by County to Recover Land Limitation—Adverse Possession.—*Johnston v. Llano County*, 39 S. W. Rep. 995 (Texas). Although the statute of limitation does not run against a county, as a subdivision of the State, as to any "road, street, side-walk, or grounds," yet the right of the county to recover lands not acquired or used for public purposes may be barred.

MISCELLANEOUS.

Navigable Waters—Control by the United States—Incidental Damage—Compensation—Constitutional Law.—*Gibson v. U. S.*, 17 Sup. Ct. Rep. 578. In accordance with United States River and Harbor Acts, a dike was built at a point in the Ohio River off Neville Island, nine miles west of Pittsburg, for the purpose of concentrating the water-flow in the main channel. The change of flow which followed this improvement, prevented the access of boats to the landing place of the plaintiff, a lower riparian owner, except at high stages of water in the Spring and Fall. The obstruction greatly reduced the value of the plaintiff's land and he petitioned the Court of Claims for the recovery of damages. The Supreme Court upholds the Court of Claims (29 Ct. Cl. 18) in finding the claimant not entitled to recover, there not being in this case a taking of private property for public use, without compensation, but the injury being a mere incidental consequence of the lawful exercise of Governmental power.

Negligence—Proximate Cause—Contributory Negligence—Assisting Person in Danger.—*Saun v. H. W. Johns Manf. Co.*, 44 N. Y. Sup. 641. Plaintiff's intestate, a workman in defendant's factory, had been directed to repair the pipes of a certain felt-washing machine; after so doing he and another workman made several unsuccessful attempts to put a belt upon the machine, when a third workman volunteered to assist them by holding the belt so